



JAMES D. WELCH
ATTORNEY AT LAW
PROFESSIONAL ENGINEER

May 20, 2006

10328 PINEHURST AVE.
OMAHA, NEBRASKA 68124

Commissioner for Patents
Box: 1450
Alexandria, VA 22313-1450

RE: APPLICATION OF JOHS ET AL. TITLED: "ROTATING OR ROTATABLE
SPECTROSCOPIC ELLIPSOMETER SYSTEM INCLUDING MULTIPLE ELEMENT
LENSES";
SERIAL NO.: 10/829,620;
FILE DATE: 04/22/2004;
ART UNIT: 2877;
EXAMINER: ISIAKA O. AKANBI.

Dear Sir;

I am in receipt of an Action dated 03/07/06 regarding the
identified Application.

The Examiner has Rejected Claims 1 - 15 based on a Patent to
Aspnes, No. 5,973,787 under Section 102. It is generally
questioned if Section 102 is the appropriate Section to apply in
view of the fact that the 787 Patent does not describe how to
eliminate elements in the invention disclosed thereby to arrive
at a Present Invention as Claimed.

Applicant draws the Examiner's Attention to the Originally
submitted Claim for Priority submitted with the Application and
Claims Priority back of the Aspnes et al. 787 Patent and strongly
suggests that the Examine become familiar therewith.

Further, while not felt necessary in vie of existing
Priority behind the 787 Patent, Applicant also responds by
showing said Aspnes et al. 787 Patent does not teach the present
invention, but, for instance includes limitations the Present
Application specifically avoids.

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS TRANSMITTAL IS BEING DEPOSITED WITH
THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE FOR
FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR
PATENTS, BOX: 1450, ALEXANDRIA VA. 22313-1450 ON THE DATE
INDICATED BELOW.


JAMES D. WELCH

5/24/06
DATE